

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

INVENTORY GENERATION INC. and EARL DAVID,

Plaintiffs,

-v-

PROVENTURE CAPITAL FUNDING LLC, BENJAMIN
ARYEH, et al.

Defendants.

22 Civ. 10529 (PAE)

ORDER

PAUL A. ENGELMAYER, District Judge:


On December 13, 2022, Inventory Generation filed the Complaint, Dkt. 1, and an emergency motion for a temporary restraining order as to MCA Receivables and Yisroel C. Getter (collectively, the “MCA Receivables defendants”), Dkt. 5. On December 21, 2022, the Court issued the temporary restraining order against the MCA Receivables defendants, Dkt. 11, which it converted into a preliminary injunction on January 3, 2023, Dkt. 23.

Since January 3, 2023, plaintiffs have voluntarily dismissed all defendants except the MCA Receivables defendants, Proventure Capital Funding LLC, and Benjamin Aryeh. *See* Dkts. 31, 33. Earlier today, the Court issued an opinion and order compelling arbitration as to Inventory Generation’s claims against defendants Proventure Capital Funding LLC and Benjamin Aryeh (the “PCF defendants”), and staying the above-captioned case as to plaintiffs’ claims against those defendants during the pendency of the arbitration.

Thus, only plaintiffs’ claims against the MCA Receivables defendants remain actively before this Court. On March 21, 2023, plaintiffs represented that they had reached a settlement with the MCA defendants and intended to dismiss the MCA defendants voluntarily. Dkt. 42-1. No such notice of voluntary dismissal, however, has been filed.

The Court therefore orders plaintiffs, by March 28, 2023, to file either a notice of voluntary dismissal as to the MCA defendants pursuant to the settlement or a revised case management plan taking into account today's decision compelling arbitration of the claims against the PCF defendants. Should plaintiffs voluntarily dismiss the MCA defendants, the telephonic conference scheduled for March 30, 2023 will be adjourned *sine die*. Should plaintiffs file a revised case management plan, however, the conference will occur as scheduled.

SO ORDERED.


Paul A. Engelmayer
United States District Judge

Dated: March 23, 2023
New York, New York